

PUBLIC SESSION MINUTES
North Carolina State Board of CPA Examiners
October 25, 2004
1101 Oberlin Road
Raleigh, NC 27605

MEMBERS ATTENDING: Norwood G. Clark, Jr., CPA, President; Leonard W. Jones, CPA, Vice President; Arthur M. Winstead, Jr., CPA, Secretary-Treasurer; O. Charlie Chewning, Jr., CPA; Thurman L. Gause; and Michael C. Jordan, CPA.

STAFF ATTENDING: Robert N. Brooks, Executive Director; J. Michael Barham, CPA, Deputy Director; Lisa R. Hearne, Manager-Communications; Ann J. Hinkle, Manager-Professional Standards; Buck Winslow, Manager-Licensing; and Noel L. Allen, Legal Counsel.

GUESTS: Tom Chenoweth, CPA, Highland Publishing Company; and Curt Lee, Past President, NCSA.

CALL TO ORDER: President Clark called the meeting to order at 10: 05 a.m.

MINUTES: The minutes of the September 20, 2004, meeting were approved as submitted.

FINANCIAL AND BUDGETARY ITEMS: The financial statements for September 2004 were accepted as submitted.

Messrs. Winstead and Chewning moved to approve the purchase of a certificate of deposit from Capitol Bank. Motion passed.

The Board reviewed the proposed cash management plan and statement of investment policy and recommended changes to be reviewed at the November 22, 2004, Board meeting.

NATIONAL ORGANIZATION ITEMS: The Board reviewed letters regarding the Uniform CPA Examination from the NASBA Examination Review Board, the AICPA, and the Contract Steering Committee.

REPORT OF THE PROFESSIONAL STANDARDS COMMITTEE: Mr. Jones moved and the Board approved the following recommendations of the Committee:

200108 - 063 - James Michael Farless - Approve the signed Consent Order (Appendix I).

200302-009 - James W. Bass, Jr., and Jordan, Bass & Associates, PA. - Approve the signed Consent Order (Appendix II).

200401-003 - John Knox McGill - Approve the signed Consent Order (Appendix III).

200403-013 - Jane Suiter Robertson - Approve the signed Consent Order (Appendix IV).

REPORT OF THE PROFESSIONAL EDUCATION AND APPLICATIONS COMMITTEE:

Mr. Jordan moved and the Board approved the following recommendations of the Committee:

Transfer of Grades Applications - The following was approved:

J. Andrew Brightwell

Original Certificate Applications - The following were approved:

Katie Andrus Beck
Kenneth Robert Biser
William L. Bland Jr.
Susan Nicole Bradley
J. Andrew Brightwell
Bronnie Emanuel Cummings
Michelle Rae Donegain
Jamie Allen Eckard
Daniel Garrett Flannigan
Steven Charles Frank
Lisa Marie Fuller
Bryan Wayne Jenkins

Sean Michael Johnson
Michael John Kuhn
Beth Kincaid Lett
Jonathan Patrick McCaskill
Gina Woods Myers
Katherine Elizabeth Pfaff
P. Nathan Rolfe
Heena Roy
Emily Campbell Thomas
Chesney Brown Trammell
Daniel McNair Welborn

Reciprocal Certificate Applications - The following were approved:

Thomas French Augur Jr.
Adam McKinley Breeding
Margaret Hudgins Burke
Rachel G. Chapman
Gordon Frederick Chappell
Julie Efird Clay
Heather L. Drake
Andrea Marie Esterline
Lortel Lynn Feaster
Amy Valinda Hamilton
Douglas L. Hassman
Steven Douglas Hintz
Ehren Glen Hull
Betty H. Huynh
Michael A. Hynes
Lesley Nicole Jones
Ilia Kay

Jessica Lynn Kirk
Franklin J. Moore
Nicole Jeanine Olesen
Thomas G. Raines
Dion N. Ramsaran
Anthony C. Rispoli
Kerry Lester Rizzo
Jonathan E. Sharp
William Richard Sherbert
Michael Allen Smith
Pamela Denise Taylor
Brenda Kirkman Templeton
Ruth Andrea Traenkner
Eric J. Wade
Dennis R. Walsh
Robert Frederick Weidaw

Temporary Permits - The following temporary permits were approved by the Executive Director and ratified by the Board:

Rachel G. Chapman T03088	LeAnn Luna T03102
Brenda R. Chester T03089	Michael Andrew Polak T03103
Heather L. Drake T03090	David A. Seco T03104
Ehren Glen Hull T03091	Jeff Ziliani T03105
Betty H. Huynh T03092	Kimberly S. Avery T03106
Lesley Nicole Jones T03093	Amy Marcum Bauserman T03107
Jessica Lynn Kirk T03094	Brett Phillip Blattner T03108
Franklin J. Moore T03095	Michael Lee Edwards T03109
Nicole Jeanine Olesen T03096	Jack Edward Finley T03110
Michael Allen Smith T03097	Elizabeth Karen Hagerty T03111
Karen Mescher Wisniewski T03098	Allan Clayton Kitchen T03112
Carrie Scott Gamble T03099	W. Scott Luper T03113
James Randolph Larkin T03100	Michael E. Metz T03114
John Louis Luna T03101	Kerry Lee Watson T03115

Reinstatements - The following were approved:

Jon Wayne Bartley #6979	Michelle Vaccaro Everman #19190
Rachel Clara Dodge #18131	Barbara Austin Orr #15437
Gregory Tadashi Endo #23344	Stefano Rosic #24879

Reissuance of New Certificate - Applications for reissuance of new certificate and consent agreements submitted by the following individuals were approved.

Michelle Lynn Dudley #22662
David William McNeish #14005

Conditional Licenses - The Committee reviewed and approved the requests to rescind the conditional licenses awarded to the individuals listed below:

Dawn Parsons Crissman #25362
Janice Young Gorski #28991
Michael Allen Gray #13138

Examinations - The Committee reviewed and approved the following staff-approved applicants to sit for the Uniform CPA Examination:

Connie Smith Allsbrook	Beverly Howell Blackmon
Michelle Hedgepeth Avant	Jason Hugh Bowman
Marcia Helene Benz	Kimberly O. Branch

Leigh Michaux Bullin
Jason Mitchell Burgin
Scott J. Burke
Susan Wrenn Callahan
Yuliya Chayun
Gregory Glenn Clark
Brandy Bumgarner Cline
Ashley Margaret Cochran
Christopher C. Conoley
Caroline B. Costin
Russell Frank Daniels Jr
Jennifer Rose Dohm
Joshua Martin Ellis
Ashley Hollis Epps
Edward William Falco
Sara Martin Ficken
Heather Leeann Finley
Douglas Alan Fullerton
Sara Paige Gardner
Melanie Nicole Glover
Andrew Clingman Harmon
Hugh Brantley Harrell
Midge Hermanns
Paula L. Hester
Latasha Montreal Hodges
Laura Adams Honeycutt
Alan Preston Hyatt
Tammy S. Jensen
Kenneth Kong
Courtney Russell Lalone
Suchittra Temesrisuk Lebund
Matthew Campbell Litz
Mark Gibson Maffett

Jeffery W. Mason
Christal Alicia McCall
Michael Lee McCaman
Gary Brian McGuffey
Julie Heather Meister
Kim Evelyn Miller
Jeffrey Alan Mobley
Jessica Breeden Moran
Anne Nicole Napier
Audrea Russo Norris
Olga Borisovna Nowacki
Todd Williams Nunn
Biri Adwoa Oguah
Katie L. Parsons
Edward Scott Raymond
Roxianne Riggs Register
Melloney Latresse Robinson
Xiaojun Song
Christopher Bruce Spain
Barrett Whitehurst Spearman
Elizabeth Easkins St.Clair
Stacey Baird Stewart
Christopher James Surratt
David Wesley Sutliff
Paul Michael Tellefsen
Julia Fort Tripp
Van V. Trivette
Brian Lloyd Truesdale
Anjali Vyas
Kimberly Leigh Williams
Tasha Rochelle Williams
Carole Emily Wilson

The Committee determined and approved the Uniform CPA Exam grades as released by the AICPA and listed on the score notices provided by NASBA for the exam sections taken in July and August 2004.

Rescind Form of Practice Statements -Kristin Nozar Lewis (#24546) signed a Form of Practice Statement due to her employment. However, due to a change in Ms. Lewis' employment, staff recommended that the statement be rescinded. The Committee approved staff recommendation.

PUBLIC HEARING: President Clark moved to convene the Public Hearing scheduled to hear Case No. 200310-071, Lloyd C. Folks. Mr. Folks was sworn in and then requested that the Board dismiss the Public Hearing, expunge all material related to the Public Hearing from his CPA record, and seal the record of the Public Hearing. Messrs. Chewning and Jordan moved to enter Closed Session without Staff and Legal Counsel to consider Mr. Folks' request. Motion passed. The Board re-entered the Public Hearing from the Closed Session. Motion passed. Messrs. Chewning and Winstead moved to deny Mr. Folks' request. Motion passed with six (6) affirmative and zero (0) negative votes. Mr. Brooks was sworn in and presented testimony with Mr. Folks. Messrs. Jones and Winstead moved to approve the Board Order permanently revoking the NC CPA certificate issued to Lloyd C. Folks. Motion passed with six (6) affirmative and zero (0) negative votes. The entire Public Hearing is a matter of public record (Appendix V).

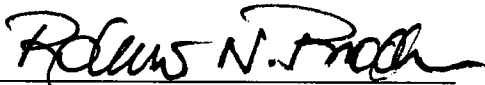
CLOSED SESSION: Messrs. Chewning and Jones moved to enter Closed Session without Staff and Legal Counsel to discuss personnel matters. Motion passed.


PUBLIC SESSION: The Board re-entered Public Session to continue with the Agenda.

ADJOURNMENT: Messrs. Jordan and Winstead moved to adjourn the meeting at 1:40 p.m. Motion passed.

Respectfully submitted:

Attested to by:


Robert N. Brooks
Executive Director


Norwood G. Clark, Jr., CPA
President

NORTH CAROLINA
WAKE COUNTY

BEFORE THE NORTH CAROLINA STATE BOARD OF
CERTIFIED PUBLIC ACCOUNTANT EXAMINERS
CASE #: 200108-063

IN THE MATTER OF:
James Michael Farless, #21964
Respondent

SUPPLEMENTAL
CONSENT ORDER

THIS CAUSE, coming before the Board at its offices at 1101 Oberlin Road, Raleigh, Wake County, North Carolina, with a quorum present. Pursuant to NCGS 150B-41, the Board and Respondent stipulate the following Findings:

1. Respondent is the holder of North Carolina certificate number 21964 as a Certified Public Accountant.
2. On May 17, 2002, the Board approved a Consent Order signed by Respondent which required Respondent to obtain pre-issuance reviews on all levels of attest services he performed once he and his firm were reinstated and until his reinstated firm received an unqualified report on a peer review which included an audit, a review, and a compilation.
3. In January of 2003, the Board reinstated Respondent's certificate subject to the requirements and conditions of the May 17, 2002, Consent Order.
4. On March 11, 2003, Board staff sent a letter to Respondent reminding him that, should he offer attest services through a firm, he must obtain pre-issuance reviews on all levels of attest services he performed until the firm received an unqualified report on a peer review which included at least one audit, one review, and one compilation worked on or prepared by Respondent.
5. On March 17, 2003, Respondent signed a firm registration form as an individual practitioner, which was received by the Board on March 18, 2003, on which he noted that his firm had provided compilation services to clients during the preceding twelve (12) months.
6. On November 10, 2003, Respondent signed his firm's 2004 renewal form, which was received by the Board on January 5, 2004, on which he noted that



his firm had provided compilation and agreed-upon procedure services to clients during the preceding twelve (12) months.

7. Despite at least two letters from the Board staff reminding Respondent of the pre-issuance review requirements as mandated by the May 2002 Consent Order, at no time during the period from March of 2003 through August of 2004 has Respondent requested Board approval of a pre-issuance reviewer or otherwise obtained pre-issuance reviews as required by the terms of his May 2002 Consent Order.
8. In a letter dated February 25, 2004, which was received by the Board on February 26, 2004, Respondent claimed that there was "a misunderstanding" on his part as to the "requirement for pre-issuance review of the attest services" that he was performing for clients.
9. Respondent wishes to resolve this matter by consent and agrees that the Board staff and counsel may discuss this Order with the Board *ex parte*, whether or not the Board accepts this Order as written.

BASED upon the foregoing, the Board makes the following Conclusions of Law:

1. Respondent is subject to the provisions of Chapter 93 of the North Carolina General Statutes (NCGS) and Title 21, Chapter 8 of the North Carolina Administrative Code (NCAC), including the Rules of Professional Ethics and Conduct promulgated and adopted therein by the Board.
2. Respondent's actions as set out above constitute violations of NCGS 93-12 (9)e and 21 NCAC 8N .0203 (b)(3).

BASED on the foregoing and in lieu of further proceedings under 21 NCAC Chapter 8C, the Board and Respondent agree to the following Order:

1. Respondent is censured.
2. Respondent's certificate is suspended for two (2) years; however, said suspension is stayed and Respondent's certificate is placed on probationary status for two (2) years subject to the timely fulfillment of each of the requirements set forth below.
3. Respondent shall pay a two thousand dollar (\$2,000.00) civil penalty to be remitted with this signed Order.



4. Respondent firm shall reimburse the Board five hundred dollars (\$500.00) in administrative costs incurred in the investigation of this matter. Said costs shall be remitted with this signed Order.
5. Respondent shall take all necessary steps to ensure that his firm's peer review is accelerated with a completion date of no later than October 31, 2004.
6. If Respondent fails to complete the requirements as specified in paragraphs 3, 4, and 5 of this Order, Respondent's license shall be suspended for two (2) years and until such time as all requirements have been completed, whichever period of time is longer.

CONSENTED TO THIS THE 22nd DAY OF SEPTEMBER, 2004.

James Michael Farless
Respondent

APPROVED BY THE BOARD THIS THE 25 DAY OF OCTOBER, 2004.

NORTH CAROLINA STATE BOARD OF CERTIFIED
PUBLIC ACCOUNTANT EXAMINERS

BOARD
SEAL

BY: Norman D Clark Jr.
President



NORTH CAROLINA
WAKE COUNTY

BEFORE THE NORTH CAROLINA STATE BOARD OF
CERTIFIED PUBLIC ACCOUNTANT EXAMINERS
CASE #: 200302-009

IN THE MATTER OF:

James W. Bass, Jr., #12581

Jordan, Bass & Associates, P. A.

Respondents

CONSENT ORDER

THIS CAUSE, coming before the Board at its offices at 1101 Oberlin Road, Raleigh, Wake County, North Carolina, with a quorum present. Pursuant to NCGS 150B-41, the Board and Respondent stipulate the following Findings:

1. Respondent James W. Bass, Jr. (hereinafter "Respondent Bass") is the holder of North Carolina certificate number 12581 as a Certified Public Accountant.
2. Respondent Jordan, Bass & Associates, P. A. (hereinafter "Respondent firm") is a licensed certified public accounting professional corporation in North Carolina.
3. In June of 2003, Ray J. Jordan, a shareholder in Respondent firm, signed an engagement contract to perform an audit for the period from July 1, 2002 through June 30, 2003, for the Town of Halifax (Town) and submit his report by October 31, 2003. This contract was signed by not only a representative of Respondent firm but also by a representative of the Town and a representative of North Carolina's Local Government Commission (LGC).
4. Respondent and Respondent firm failed to complete the audit and submit the report prior to October 31, 2003. Indeed, despite numerous requests by the Town and several requests from the LGC, Respondent and Respondent firm failed to fulfill the engagement for the Town's 2002-2003 audit.
5. In May of 2004, a representative of the Town notified Respondent and Respondent firm that the Town was canceling its audit contract for the 2002-2003 audit and requesting that all records regarding the 2002-2003 audit be returned to the Town as well as any records that the subsequent auditor would need.
6. Respondent wishes to resolve this matter by consent and agrees that the Board staff and counsel may discuss this Order with the Board *ex parte*, whether or not the Board accepts this Order as written.

BASED upon the foregoing, the Board makes the following Conclusions of Law:

1. Respondent is subject to the provisions of Chapter 93 of the North Carolina General Statutes (NCGS) and Title 21, Chapter 8 of the North Carolina Administrative Code (NCAC), including the Rules of Professional Ethics and Conduct promulgated and adopted therein by the Board.
2. Respondent's actions as set out above constitute violations of NCGS 93-12 (9)e and 21 NCAC 8N .0201, .0203, .0212, and 8N .0405.

BASED on the foregoing and in lieu of further proceedings under 21 NCAC Chapter 8C, the Board and Respondent agree to the following Order:

1. Respondents are censured.
2. Respondent firm shall pay a three thousand dollar (\$3,000.00) civil penalty to be remitted with this signed Order.
3. Respondent firm shall reimburse the Board five hundred dollars (\$500.00) in administrative costs incurred in the investigation of this matter. Said costs shall be remitted with this signed Order.
4. If Respondents fail to complete the 2003-2004 audits for Tyrell County and/or for the Town of Seaboard, by December 31, 2004, Respondents shall pay a one thousand dollar (\$1,000.00) civil penalty for each audit report that is not completed by said date and another one thousand dollar (\$1,000.00) civil penalty for each audit for every month thereafter until each such audit engagement has been fulfilled.

CONSENTED TO THIS THE 5th DAY OF October, 2004.

James W. Bass, Jr.
Respondent Bass

BY: James W. Bass, Jr.
Supervising CPA for Respondent Firm

APPROVED BY THE BOARD THIS THE 25 DAY OF OCTOBER, 2004.

BOARD
SEAL

NORTH CAROLINA STATE BOARD OF CERTIFIED
PUBLIC ACCOUNTANT EXAMINERS

BY: W. Woodard A. Clark Jr.
President

NORTH CAROLINA
WAKE COUNTY

BEFORE THE NORTH CAROLINA STATE BOARD OF
CERTIFIED PUBLIC ACCOUNTANT EXAMINERS
CASE #: 200401-003

IN THE MATTER OF:
John Knox McGill, #13656
Respondent

CONSENT ORDER

THIS CAUSE, coming before the Board at its offices at 1101 Oberlin Road, Raleigh, Wake County, North Carolina, with a quorum present. Pursuant to NCGS 150B-41 and 150B-22, the Board and Respondent stipulate the following Findings:

1. Respondent is the holder of North Carolina certificate number 13656 as a Certified Public Accountant.
2. Respondent informed the Board on his 2003-2004 individual certificate renewal (renewal) that he had obtained thirty-eight (38) hours of continuing professional education (CPE) to meet the 2002 CPE requirement. However, Respondent also informed the Board on said renewal that he earned some of said CPE between January 1, 2003, and June 30, 2003.
3. Respondent signed his 2003-2004 renewal declaring, "under penalties of perjury . . . that the information in this application is true, correct and complete."
4. Based on Respondent's representation that prior to June 30, 2003, he had completed a total of forty (40) hours of CPE which included two (2) hours of CPE carry-forward from 2001, the Board accepted his renewal and placed his certificate on conditional status until June 30, 2004.
5. Board staff requested by letter that prior to November 1, 2003, Respondent provide course listings for the CPE reported to meet his 2002 CPE requirement.
6. Respondent, on his "2002 Report of CPE for CPAs on Conditional Status," provided CPE course listings to the Board indicating that no CPE was taken in 2002; six (6) hours of CPE were taken between January 1, 2003, and June 30, 2003; and seventy-three (73) hours of CPE were taken after June 30, 2003, which was not acceptable for 2003-2004 renewal.
7. Respondent thereafter provided corrected information confirming four (4) hours of self-study CPE credit was completed during calendar year 2002, and six (6) hours of self-study credit was completed between January 1, 2003 and June 30, 2003, for a total of ten (10) hours toward his 2002 CPE requirement.
8. Respondent further provided documentation for publications authored in 2002, which Respondent had failed to include in reporting CPE for that year for an additional ten (10) hours toward his 2002 CPE requirement.

Consent Order - 2

John Knox McGill

9. In a telephone conversation, Board staff requested that Respondent provide course listings for the CPE reported to meet his 2000 and 2001 CPE requirements.
10. Respondent provided CPE course listings and certificates of completion for 2000 and 2001 containing twenty (20) additional CPE hours which Respondent failed to include in reporting CPE on Respondent's prior individual certificate renewals. Respondent's CPE carry-forward was amended for 2001 and 2002. This increased carry-forward and other CPE credit granted for publications authored qualified Respondent to renew his certificate for 2003-2004 with forty (40) CPE hours.
11. Respondent wishes to resolve this matter by consent and agrees that the Board staff and counsel may discuss this Order with the Board *ex parte*, whether or not the Board accepts this Order as written.

BASED upon the foregoing, the Board makes the following Conclusions of Law:

1. Respondent is subject to the provisions of Chapter 93 of the North Carolina General Statutes (NCGS) and Title 21, Chapter 8 of the North Carolina Administrative Code (NCAC), including the Rules of Professional Ethics and Conduct promulgated and adopted therein by the Board.
2. Respondent's failure to provide the Board with correct and accurate information on his certificate renewal constitutes a violation of NCGS 93-12 (9)e and 21 NCAC 8N .0202 (b)(4).

BASED on the foregoing and in lieu of further proceedings under 21 NCAC Chapter 8C, the Board and Respondent agree to the following Order:

1. Respondent shall receive an unpublished reprimand.

CONSENTED TO THIS THE 22nd DAY OF September 2004.

John Knox McGill
Respondent

APPROVED BY THE BOARD THIS THE 25 DAY OF OCTOBER 2004.

10-15-04

Consent Order - 3
John Knox McGill

NORTH CAROLINA STATE BOARD OF CERTIFIED
PUBLIC ACCOUNTANT EXAMINERS

BOARD
SEAL

BY: Norman A. Clark Jr.
President

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NORTH CAROLINA
WAKE COUNTY

BEFORE THE NORTH CAROLINA STATE BOARD OF
CERTIFIED PUBLIC ACCOUNTANT EXAMINERS
CASE #: 200403-013

IN THE MATTER OF:
Jane Suiter Robertson, #15316
Respondent

CONSENT ORDER

THIS CAUSE, coming before the Board at its offices at 1101 Oberlin Road, Raleigh, Wake County, North Carolina, with a quorum present. Pursuant to NCGS 150B-41 and 150B-22, the Board and Respondent stipulate the following Findings:

1. Respondent is the holder of North Carolina certificate number 15316 as a Certified Public Accountant.
2. Respondent informed the Board on her 2003-2004 individual certificate renewal (renewal) that she had obtained forty (40) hours of continuing professional education (CPE) to meet the 2002 CPE requirement. However, Respondent also informed the Board on said renewal that she had earned some of said CPE between January 1, 2003, and June 30, 2003.
3. Respondent signed her 2003-2004 renewal declaring "under penalties of perjury . . . that the information in this application is true, correct and complete."
4. Based on Respondent's representation that prior to June 30, 2003, she had completed a total of forty (40) hours of CPE, the Board accepted her renewal and placed her certificate on conditional status until June 30, 2004.
5. Board staff requested by letter that prior to November 1, 2003, Respondent provide course listings for the CPE reported to meet her 2002 CPE requirement.
6. Respondent, on her "2002 Report of CPE for CPAs on Conditional Status," provided CPE course listings to the Board indicating sixteen (16) hours of CPE were taken in 2002; sixteen (16) hours of CPE were taken between January 1, 2003, and June 30, 2003; and eight (8) hours of CPE were taken after June 30, 2003.

7. Respondent wishes to resolve this matter by consent and agrees that the Board staff and counsel may discuss this Order with the Board *ex parte*, whether or not the Board accepts this Order as written.

BASED upon the foregoing, the Board makes the following Conclusions of Law:

1. Respondent is subject to the provisions of Chapter 93 of the North Carolina General Statutes (NCGS) and Title 21, Chapter 8 of the North Carolina Administrative Code (NCAC), including the Rules of Professional Ethics and Conduct promulgated and adopted therein by the Board.
2. Respondent's actions as set out above constitute violations of NCGS 93-12 (8b)a, 93-12 (9)c and 93-12 (9)e and 21 NCAC 8J .0101 (b), 8N .0202 (a), .0202 (b)(3), .0202 (b)(4), and 8N .0203 (b)(1).

BASED on the foregoing and in lieu of further proceedings under 21 NCAC Chapter 8C, the Board and Respondent agree to the following Order:

1. Respondent's application for renewal is insufficient and untimely under NCGS 150B-3(a). Hence, her certificate is automatically forfeited pursuant to NCGS 93-12 (8b).
2. Respondent must return her forfeited certificate to the Board with this signed Consent Order.
3. Respondent may not apply for the reinstatement of her forfeited certificate for at least ninety (90) days from the date this Order is approved by the Board.
4. Before Respondent can apply for the reinstatement of her certificate, Respondent shall pay a one thousand dollar (\$1000.00) civil penalty.
5. After ninety (90) days from the date this Order is approved by the Board, Respondent may apply to return her certificate to active status by submission and approval of a reinstatement application which includes proof of her compliance with paragraphs 2, 3, and 4 above, along with each of the following:
 - a. Application form,
 - b. Payment of the application fee,
 - c. 3 moral character affidavits, and

Consent Order – 3
Jane Suiter Roberson

- d. 60 hours of CPE in 12 months preceding the application including an 8 hour accountancy law course as offered by the North Carolina Association of CPAs in a group study format.

CONSENTED TO THIS THE 29th DAY OF September, 2004.

Jane S. Roberson
Respondent

APPROVED BY THE BOARD THIS THE 25 DAY OF OCTOBER, 2004.

NORTH CAROLINA STATE BOARD OF CERTIFIED
PUBLIC ACCOUNTANT EXAMINERS

→ BOARD
SEAL

BY: Monroe H. Clark Jr.
President

NORTH CAROLINA
WAKE COUNTY

BEFORE THE NORTH CAROLINA STATE BOARD OF
CERTIFIED PUBLIC ACCOUNTANT EXAMINERS
CASE #: 200310-071

IN THE MATTER OF:
Lloyd Council Folks, #7761
Respondent

BOARD ORDER

THIS CAUSE coming before the Board at its offices at 1101 Oberlin Road, Raleigh, Wake County, North Carolina, at public hearing, with a quorum present, the Board finds, based on the evidence presented at the hearing on October 25, 2004, 2004, that:

FINDINGS OF FACT

1. The parties have been properly identified.
2. Respondent was the holder of a certificate as a Certified Public Accountant in North Carolina. Pursuant to a September 23, 2002, Order the Board suspended Respondent's certificate for failure to comply with State Quality Review requirements. Under that Order, Respondent otherwise has the right to reinstate his certificate upon proper application and proof of compliance with the September 2002 Order. Respondent is therefore subject to the provisions of Chapter 93 of the North Carolina General Statutes (NCGS) and Title 21, Chapter 8 of the North Carolina Administrative Code (NCAC), including the Rules of Professional Ethics and Conduct promulgated and adopted therein by the Board.
3. Respondent received at least fifteen (15) days written Notice of Hearing of this Matter by personal service, certified mail, or other approved personal delivery.
4. Venue is proper and the Notice Hearing was properly held at 11 01 Oberlin Road, Raleigh, North Carolina.
5. Respondent had no objection to any Board Member's participation in the Hearing of this Matter.
6. Respondent was present at the Hearing and was not represented by counsel.
7. As set forth in four (4) Arrest Warrants issued in September of 2003, Respondent had "willfully" failed to timely "pay North Carolina Withholding Tax withheld for his employees" for calendar years 1999, 2000, 2001, and 2002. Four (4) Arrest Warrants were also issued alleging that Respondent had "willfully" failed "to file a tax return" for each of the calendar years 1998, 1999, 2000, and 2001.

8. During all or part of each of the tax years in question (1998, 1999, 2000, 2001, and 2002) Respondent was the holder of a certificate as a Certified Public Accountant in North Carolina.
9. On January 22, 2004, pursuant to a plea bargain, Respondent entered guilty pleas to four (4) counts of failure to file North Carolina individual income tax returns for calendar years 1998, 1999, 2000, and 2001, but pursuant to the plea bargain, the four (4) counts of failure to pay were dismissed.
10. The District Court consolidated the four counts for purposes of sentencing, entered an order of conviction, and sentenced Respondent to forty-five (45) days in Wake County Jail. The sentence was suspended and Respondent was placed on unsupervised probation for twenty-four (24) months and ordered to perform one hundred (100) hours of community service in the first twelve (12) months of probation, pay a one thousand dollar (\$1,000.00) criminal fine and court costs.
11. Despite at least three requests from Board staff to Respondent for information regarding Respondent's failures to pay Employee Withholding Taxes and failures to file North Carolina tax returns, Respondent has failed to provide the requested information.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the Respondent and this matter.
2. Respondent's actions as set out above constitute violations of NCGS 93-12 (9)b and e and 21 NCAC 8N .0201, .0202 (a), .0203 (b)(1), .0204 (c), .0206, .0207, and .0208 (b).

BASED ON THE FOREGOING, the Board orders in a vote of 6 to 0 that:

1. The Certified Public Accountant certificate issued to Respondent, Lloyd Council Folks, is hereby permanently revoked.

This the 25th day of October, 2004.

NORTH CAROLINA STATE BOARD OF CERTIFIED
PUBLIC ACCOUNTANT EXAMINERS

BOARD
SEAL

BY: Norman S. Clark Jr. CPA
President